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**AMHERST PLANNING BOARD**  
**ZONING SUBCOMMITTEE**  
**MINUTES**  
**JUNE 15, 2011**

PRESENT: Jonathan O’Keeffe, Rob Crowner, Bruce Carson

ABSENT: Roznoy

STAFF PRESENT: Planning Director Jonathan Tucker; Senior Planners Christine Brestrup and Jeffrey Bagley

OTHERS PRESENT: Joan Burgess, Elissa Rubinstein, John Boothroyd, Sarah la Cour, Margaret Roberts, Aaron Hayden, Winnifred Manning, John Fox, Melissa Perot, Yuri Friman, John Coull, Maurianne Adams, Seymour & Alice Epstein, Judy Seichrest, Larry Smith, Louise Levine, Walter Wolnik

The meeting convened at 5:07 PM.

Mr. Carson moved to accept the minutes of the June 8 meeting, Mr. Crowner seconded. Minutes approved 3-0.

**Zoning Forum:**

Mr. O’Keeffe explained the function of the Zoning Subcommittee of the Planning Board: zoning amendments are prepared and brought before Fall and Spring Town Meetings. He described the Committee’s Work Plan, and that the Committee concentrates on Priority A projects, which can take 6 to 9 months or more to develop. We are at the beginning of the cycle to prepare for the Fall Town Meeting. The Planning Board will hold public hearings for each proposed new article. Town Meeting is the final arbiter for all proposed changes in zoning, and a 2/3 vote is required to adopt new zoning.

**Public Comment:**

Members of the public present were invited to speak, and make suggestions or express concerns about zoning amendments.

Aaron Hayden, member of the Select Board and Town Meeting Coordinating Committee (TMCC). Mr. Hayden explained that there is confusion among some Town Meeting members about articles, and that work is underway by the TMCC to clear up the confusion by helping to notify Town Meeting members about public meetings held by the Zoning Subcommittee.

Mr. O’Keeffe said that the North Amherst and Atkins Corner rezoning proposals are the biggest priorities for Fall Town Meeting. The process began a month ago and there will be many public meetings this summer. Development Modification is next in importance, intended to replace the previous Phased Growth Bylaw. Mr. O’Keeffe said he was not sure if the Development Modification proposal will be ready for the fall. Next in importance is the conversion of the Official Zoning Map to digital – this is especially important for Flood-Prone Conservancy areas.

Other potential projects include parking requirements, duplexes, functional family definition, which has generated a great deal of discussion. Mr. O’Keeffe said that he is not sure about the timetable for rezoning for the Gateway Corridor project.

There might be one or more zoning amendment petition articles for Fall Town Meeting --- 100 signatures are needed for Fall Town Meeting petitions. Mr. O’Keeffe recommended that if anyone present had an idea for a zoning change through a citizen petition, to work with the Zoning Subcommittee.

John Boothroyd suggested that Orchard Valley be zoned as residential; he was also concerned about the safety of Town brownfields sites, especially in the Atkins Corner area. Mr. Tucker said that zoning can include or cite references to state and federal requirements for brownfields. Mr. O’Keeffe pointed out that the Atkins project would not extend to Orchard Valley.

Peggy Roberts would like an overhaul of the zoning bylaw, there are too many piecemeal amendments, zoning needs to be looked at as a whole, i.e., the RG District is not really one kind of zone. It is wasteful to have zoning articles sent back from Town Meeting because people don’t understand them. More work can be done together with the Town Meeting Coordinating Committee.

Mr. O’Keeffe said that form-based codes that will be proposed for North Amherst and Atkins Corner will take a lot of education. Form-based codes will add another tool to perhaps use Downtown and in other areas.

Mr. Tucker said that the Planning Board is starting with the Village Centers in order to create a framework for use of form-based codes elsewhere.

Mr. O’Keeffe said that the Planning Board reports to Town Meeting on zoning amendments are thorough and detailed, and encouraged people to use them. All Zoning Subcommittee meetings are recorded for later broadcast on Amherst Media, and are available on-demand from the ACTV WEB site.

Alice Epstein, whose property abuts the two new roundabouts in Atkins Corner, asked that Atkins Corner not be rezoned until the road project is completed, and we can see where the new boundaries will be. We need time to absorb what the Cecil Group recommends.

Mr. Tucker said that the schedule with the Cecil Group is timed to have zoning proposals ready for Fall Town Meeting, and no project resulting from a change in zoning would be able to happen immediately.

Mrs. Epstein repeated that she thinks all zoning changes should wait to wait until after the road is completed, and the traffic and other impacts of the change are more apparent.

Mr. O’Keeffe said we won’t proceed unless we are ready. The ZSC is proceeding with the assumption that the plans will be ready.

Louise Levine expressed great concern about what W.D. Cowls has in mind for North Amherst. Are there going to be four story buildings? She thought that the meeting with the Cecil Group was exciting but worries about moving too fast and letting Cowls do whatever they want to do.

Mr. O’Keeffe said that we are in the early stages, and that the whole community will be involved in whatever happens in North Amherst.

Mr. Tucker said that a form-based code will be used to implement zoning in the village centers and that approach allows people to see in advance what the end result of development would be.

Sarah LaCour, representing W.D. Cows, said that Cows has made a point of working with the community, and has been coming to ZSC meetings for two years. Cows is trying to work with its neighbors. She suggested using density bonuses tied to transfer of development rights in the Village Centers. She expressed concerns about the zoning amendment proposal presented to Spring Town Meeting (but not adopted) that included a requirement for an on-site manager for duplexes --- how can this be done for multiple properties?

Seymour Epstein wanted to alert the ZSC about the impacts of shotfall from the Norwottuck Fish and Game Association’s firing range in the Notch. He is concerned that the shooting, which was redirected away from his property after previous complaints, might now be directed towards possible new development around Atkins Corner on the Cole (former Kellogg) property directly west and upstream of the Epstein’s pond. When rezoning, keep the impacts of the gun club’s activities—shotfall and noise—in mind. The Town can’t control the club because of the protections such uses enjoy under state law. But density near the club on the properties adjacent to Mr. Epstein’s property should be kept as low as possible.

Elissa Rubinstein said that Articles 28 and 29, about parking and duplexes, were confusing. There is a lack of trust --- what is the purpose of some of these articles? How does what we pass in Fall or Spring TM influence what follows? How do they impact one another? We should deal with what we have before new zoning is proposed. If we see progress with the new code enforcement inspector authorized by the Spring Town Meeting, people in those neighborhoods might be more supportive.

John Fox endorsed what had just been said. He thought Development Modification should be the top priority. We don’t know how pieces fit without an overall plan. We present theories, not providing any evidence or surveys of what happened in other towns. Show us facts, not theories. Zoning amendment articles should focus on Downtown and Village Centers – don’t spread into the RG, it is threatening. RG should emphasize family housing, conservation, preservation. Separate RG from different criteria.

Mr. O’Keeffe said that there was a multi-year process in creating the Master Plan in response to the end of the Phased Growth Bylaw. We started on Development Modification after the Master Plan was adopted.

Maurianne Adams expressed concern about Development Modification being a one-size-fits-all. RG is being equated with business areas. She continued to oppose density in neighborhoods, supports rational development of Downtown and Village Centers. Would support in-fill in those areas. The Town should take a stage-by-stage approach to Development Modification, take RN and RG off the table for the first implementation phase. The neighborhoods don’t want private student housing or more rentals. Clear boundaries are needed for where in-fill housing would be proposed.

Mr. O'Keeffe said that we struggle with these issues all the time – where will we put new residents? The community wants outlying areas conserved and new growth has to go somewhere.

Elisa Rubenstein said that the University has eliminated 300 positions, and the people coming to live in Amherst are students. Think about how many houses are for sale, some being bought to house students.

Mr. Tucker said that young professionals and retirees are moving to Amherst, too. The Town is working to address the impacts and issues associated with student rentals. Everybody feels their neighborhood is precious and should not change, but change comes, anyway. The Master Plan seeks to balance growth with preservation.

Walter Wolnik said that the chart about the zoning process should be placed on the back cover of a packet of Planning Board reports to Town Meeting. He suggested in regards to Article 29 (parking) that Part A., the minimum parking standards, be moved out to 2012. The requirement to park on pavement (Part B) has wide support and could go forward sooner. A General By-Law addressing rental parking could pass TM. Maybe the Planning Board should consider dividing articles if one part is generating controversy.

Joan Burgess said to focus on form-based codes. Hold off on piecemeal zoning until we see how form-based codes work.

Mr. O'Keeffe said that was the direction we are moving in.

Larry Smith wanted to know what re-zoning is proposed in North Amherst. Mr. O'Keeffe said that we are in the beginning of the process, we don't yet know the boundaries or the regulations.

John Boothroyd suggested that the Town should act to reduce the number of residents, and not expand its population. He has not himself had problems with students.

Melissa Perot said that zoning should focus on consolidating and protecting what exists, not look to encourage new development. Much can be done to enhance the Town without new growth. The big picture about development and growth trends should be on the table. Will new people even come to Amherst, with all of the economic problems in the country?

Mr. Carson said that some people already living in Amherst would like more housing options, especially older people who want to move from houses into apartments or condos. Mr. Tucker said there were Amherst families whose adult children could not find places to live in Amherst.

Gordon Freed asked if zoning should reflect what is, instead of trying to force people to do or not do something. For example, will limiting parking force people to use bicycles instead? The Town's regulations should reflect the needs of people aging.

Mr. Tucker said that zoning can't force anyone to do anything, all it can do is open or close doors through which people choose to go, or not. It can prohibit things, but not cause them to happen. Also, he noted that zoning can't be used to exclude people from living in a town. There was over forty years of case law on that question.

Mr. Fox said there is no evidence that there is not enough housing in Amherst. Don't zone to prepare for a rush of need. But the proposed Gateway project could attract the kinds of people we want.

The meeting was adjourned at 6:30 PM.